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pursuant to 37 C.F.R. 1.10.
by Patricia M. Moore

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Owen H. BROWN
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Serial No.: 10/010,340

Filed: December 5, 2001

Title: **SECURE DIGITAL ESCROW ACCOUNT TRANSACTION
SYSTEM AND METHOD**

Examiner: Gerald J. O'Connor

Group Art Unit: 3627

Commissioner for Patents
Washington, D.C. 20231

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RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In the Office Action dated March 10, 2003, a Restriction Requirement divides the application into the following seven (7) Groups:

Group I: claim 1, drawn to a method of electrical communication by means of network signaling, classified in class 340, subclass 286.02;

Group II: claim 2, drawn to a method of use of a point of sale terminal or electronic cash register, classified in class 705, subclass 16;

Group III: claims 3 and 5 – 8, drawn to a point of sale terminal or electronic cash register comprising security provision, classified in class 705, subclass 18;

Group IV: claim 4, drawn to a system comprising the interconnection or interaction of plural electronic cash registers, classified in class 705, subclass 21;

Group V: claims 9 – 23, drawn to a method of automated electrical financial or business practice or management arrangement comprising financial funds transfer or credit transaction, classified in class 705, subclass 39;

Group VI: claims 24 – 26, drawn to a method of use of a POS terminal or ECR involving a specified transaction journal output feature, classified in class 705, subclass 24; and

Group VII: claims 27 - 38, drawn to a method of automated electrical financial or business practice or management arrangement comprising bill preparation, classified in class 705, subclass 34.

16) According to the Restriction Requirement, Applicants elect Group VI, comprising
17) claims 9 - 23, with traverse. Applicants reserve their right to file divisional applications
18) relating to the claims of Groups I – IV, VI and VII at a later date.

The Examiner identified the inventions of Groups I, II and V – VII as related subcombinations usable together in a single combination, but distinct as separately usable. For example, it is suggested that the invention of Group V has separate utility from the invention of Group VI. Applicants respectfully disagree.

The inventions of Group V and Group VI are both directed to a method of impounding escrow funds from merchant sales transactions that is performed by an electronic funds processor (EFP). In each case, the EFP receives information relating to one or more merchant sales transactions, determines an amount for deposit in an escrow account based on the amount of the sales transactions, debits a source of merchant funds (including, for example, a credit card issuer's payment authorization) for the deposit amount, and credits the merchant account with the deposit amount. Because this process is performed by an EFP, Applicants stipulate that the process steps are performed using computer and network means. Thus, Applicants respectfully disagree with the Examiner's assertion that the invention of Group VI has separate utility as a process that may be performed by hand.

Fundamentally, the claims of Groups V and VI present a unitary invention that is directed to providing an automated means for crediting a merchant escrow account with an amount relating to sales transactions reported by the merchant, with such transactions represented both by credit card receipts and cash receipts. The type of receipt reported may generally be inconsequential to the escrow process (for example, in an

application escrowing an amount representative of a sales tax owed, sales tax liability is generally applicable to all types of sales receipts).

Accordingly Applicants respectfully submit that the claims of Groups V and VI effectively disclose subcombinations of a single invention that must effectively be used in combination, and respectfully request reconsideration of the restriction requirement as to Groups V and VI. A favorable response to this request is earnestly solicited. In the event that a favorable response is provided, Applicants request election of the claim group represented by current Groups V and VI.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,



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